

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00269

PERRY CHEEK

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On March 23, 2006, the United States of America appeared by R. Booth Goodwin, II, Assistant United States Attorney, and the defendant, Perry Cheek, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Keith E. Zutaut, the defendant having commenced a three-year term of supervised release in this action on September 12, 2003, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on November 2, 2000.

The court heard the evidence and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respect: that the defendant failed to abide by the special condition that he reside in a community correction center and follow all the rules and regulations of that facility inasmuch as he was discharged from Bannum Place on January 18, 2006, as a program failure as a result of his ongoing poor conduct and disrespect toward others in that he received disciplinary reports for being insolent and disrespectful toward staff by using abusive and obscene language and for possession of unauthorized items, as set forth in the petition on supervised release.

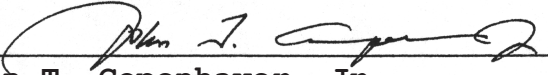
And the court finding, as more fully set forth on the record of the hearing, that the violation warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense and the intervening conduct of the defendant, that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of NINE (9) MONTHS to be followed by a term of TWENTY-SEVEN (27) MONTHS supervised release, upon the sixteen standard conditions of supervised release in effect in this district and the further condition that the defendant not commit another federal, state or local crime. It is further ORDERED that, with respect to defendant's nine-month term of imprisonment, he shall receive credit for time served while in custody for the following time periods: July 22, 2005, until August 17, 2005; September 9, 2005, until October 4, 2005; and February 4, 2006, until March 23, 2006.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: April 6, 2005



John T. Copenhaver, Jr.
United States District Judge